



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

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Robert G. Burnley
Director
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MINUTES

STATE WATER CONTROL BOARD

June 19, 2003 - General Assembly Building
9th and Broad Streets
Richmond, Virginia

Board Members Present:

Gary H. Baise, Vice-Chairman
H. Preston Futrell, Jr.
Katherine E. Slaughter

Leroy O. Pfeiffer, Jr.
Carol C. Wampler
Karl F. Wenger

Board Members Absent:

Hunter E. Craig, Chairman

Staff Present:

Robert G. Burnley, Director
Department of Environmental Quality

Cindy M. Berndt
Department of Environmental Quality

Attorney General's Office:

Rick Linker, Assistant Attorney General

- 1) The attached minutes summarize activities that took place at this Board Meeting.
- 2) The meeting was convened at 9:12 a.m. on Thursday, June 19, 2003, recessed at 12:52 p.m., reconvened at 1:37 p.m. and adjourned at 3:35 p.m.

Approved Minute No 1
Oct. 28, 2003



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 19, 2003

MINUTE NO. **7** - Tri-City Properties, LLC VWP Permit Application No. 00-1688

Mr. Burnley advised the Board that the applicant had requested that the subject agenda item be removed from the agenda.

Cindy M. Berndt
Cindy M. Berndt



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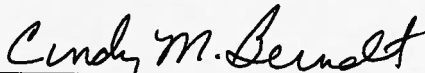
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 19, 2003

MINUTE NO. 2 - Minutes

The Board approved the Minutes from the March 25, 2003 and April 15, 2003 meetings.


Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING OF JUNE 19, 2003

MINUTE NO. 3 - Permit Terminations

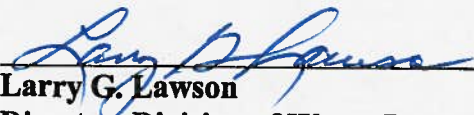
Larry G. Lawson, Director of Division of Water Programs Coordination of the Department of Environmental Quality's Central Office introduced the staff recommendation concerning the termination of three Groundwater permits.

Board Decision

Based on the briefing materials and the staff presentation and recommendations, the Board voted unanimously to approve the terminations of permits for:

James City Service Authority Groundwater permits

- | | | |
|----|------------------------|-----------|
| 1) | First Colony | GW0038400 |
| 2) | Indigo Park White Oaks | GW0038500 |
| 3) | Old Stage Manor | GW0038300 |


Larry G. Lawson
Director, Division of Water Programs
Coordination



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Secretary of Natural Resources

David K. Paylor
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 19, 2003

MINUTE NO. 4

Minute not available



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 19, 2003

MINUTE NO. 5 – Report on Facilities in Significant Noncompliance

Kathleen O'Connell, Water Enforcement Program Manager presented to the Board the Report on Facilities in Significant Noncompliance for the quarter ending March 2003. The facilities and their reported instances of noncompliance were:

1. City of Alexandria, Alexandria STP - Failure to meet effluent limits
2. Frederick Winchester Service Authority, Opequon WWTP – Failure to meet effluent limit
3. Town of Purcellville, Basham Simms WWTP - Failure to meet effluent limits
4. Upper Occoquan Sewage Authority, Centreville STP – Failure to meet effluent limits

The Board accepted the report.


Kathleen F. O'Connell
Water Enforcement Program Manager



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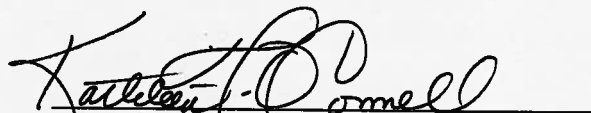
EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON June 19, 2003

MINUTE NO 6. – Cancellation of Consent Special Orders

Kathleen O'Connell, Water Enforcement Program Manager, presented to the Board two consent special orders for cancellation. Ms. O'Connell reported that staff had confirmed that the requirements of the orders had been substantially met and that it was therefore appropriate for the Board to cancel the orders. The orders to be cancelled were issued to:

1. S. B. Cox, Inc. (effective date May 15, 1995)
2. U. S. Army - Ft. Eustis (effective date September 29, 1995)

The Board unanimously approved cancellation of the referenced orders.


Kathleen F. O'Connell
Water Enforcement Program Manager



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Francis L. Daniel
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON JUNE 19, 2003

MINUTE NO. 7 – TRO VPA Consent Special Orders Bergey's Dairy Farm, Inc. Farmer's Service Company

Maria Nold, Enforcement Manager in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendations concerning two Consent Special Orders with civil charges.

Bergey's Dairy Farm, Inc.

Bergey's Dairy Farm, Inc. is subject to a no-discharge permit that regulates a land application wastewater treatment system. Bergey's failed to monitor and submit the quarterly lagoon volume reports and monthly inspection logs for the 1st and 3rd quarters of 2002. The 2nd quarter reports were incomplete. The annual nutrient analyses of the final lagoon due in April 2002 were not conducted. The required operations and maintenance manual was never submitted. In addition the staff has evidence to indicate that Bergey's failed to perform required monthly inspections and associated record keeping. On October 4, 2002, DEQ documented an unpermitted discharge from the wastewater collection system to State waters. Bergey's failed to report this discharge as required by their permit.

The Order requires Bergey's to hard pipe the washwater from their restaurant, submit an operations and maintenance manual, and pay a civil charge of \$6,400. No comments were received during the public notice period.

Farmer's Service Company

Farmers Service Company, Inc. (FSC) is a farm supply store located in Smithfield, VA. FSC owns and operates two concrete ready-mix plants that are subject to a no-discharge permit. . On November 6, 2002, DEQ inspected FSC and observed two unpermitted discharges. One discharge resulted from waste concrete solids being placed outside the drying pad, which allowed waste water from the solids to drainage into a drop inlet without

treatment. The second discharge was an overflow caused by a blockage in the line between settling basins. In addition, DEQ observed two operational deficiencies including the improper storage of waste concrete solids and failure to recycle wastewater as required by the operation & maintenance manual. During a follow-up inspection on December 5, 2002, DEQ found FSC pumping wastewater from a settling basin onto the ground; the wastewater was flowing off site.

FSC cooperated with DEQ and promptly implemented corrective actions to maintain compliance with their permit. No comments were received during the public comment period. The Order requires FSC to pay a civil charge of \$2,900, update their operation and maintenance manual, plant vegetative cover on berms surrounding the basins, and store production materials and waste concrete solids in a manner that prevents storm water contamination.

Board Decision

Based on the staff recommendation, the Board voted unanimously to:

1. Approve the Consent Special Orders for Bergey's Dairy Farm, Inc. and Farmer's Service Company;
2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Orders to the Attorney General's Office for appropriate legal action.



Francis L. Daniel
Director, Tidewater Regional Office



COMMONWEALTH of VIRGINIA

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Robert G. Burnley
Director
Steven A. Dietrich
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 19, 2003

MINUTE NO. 8 - West Central Regional Office VPA and VPDES Consent Special Orders

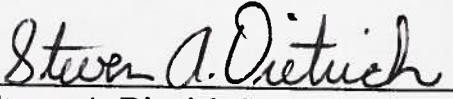
Robert Steele of the Department of Environmental Quality, West Central Regional Office introduced the staff recommendations concerning the proposed Consent Special Order for H. N. Barnhart - Clover Meadow Dairy Farm, Bedford Co. Public School Board - Liberty High School, Camp Fincastle, and the Town of Vinton.

Board Decision

Based on the staff recommendations, the Board voted unanimously to:

1. Approve the Consent Special Orders for:

H. N. Barnhart - Clover Meadow Dairy Farm
Bedford Co. Public School Board - Liberty High School
Camp Fincastle
Town of Vinton
2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Orders to the Attorney General's Office for appropriate legal action.


Steven A. Dietrich, P.E.
Regional Director
West Central Regional Office



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Secretary of Natural Resources

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Robert G. Burnley
Director

Thomas L. Henderson
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 19, 2003

MINUTE NO. 9 - South Central Regional Office Consent Special Orders

Harry F. Waggoner of the Department of Environmental Quality, South Central Regional Office, introduced the staff recommendations concerning the proposed Consent Special Orders for D.O. Allen Homes, Incorporated, and David S. Wilson, Owner, Pine Grove Park.

Board Decision

Based on the staff recommendations, the Board voted unanimously to:

1. Approve the Consent Special Orders for:

D.O. Allen Homes, Incorporated
David S. Wilson, Owner, Pine Grove Park
2. Authorize the Director or his designee to sign the Order on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Order to the Attorney General's Office for appropriate legal action.

A handwritten signature in blue ink, reading "D. Miles", is positioned above a horizontal line.

David M. Miles
Deputy Regional Director
South Central Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Robert G. Burnley
Director

Jeffery A. Steers
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 19, 2003

MINUTE NO. 10 - Consent Special Orders

The Department of Environmental Quality's ("DEQ") Northern Virginia Regional Office ("NVRO") presented two proposed Consent Special Orders for the Board's consideration.

Ms. Anne Crosier of the DEQ NVRO made the staff presentation concerning the proposed Orders. Following the presentation, Ms. Crosier made the staff recommendation regarding the proposed Orders.

The first Order requires that Dominion Campground, Inc. evaluate alternatives for either upgrading or replacing the Campground sewage treatment plant ("STP") and submit, by September 15, 2003, a plan and schedule for implementing the chosen alternative. The Order also provides interim effluent limits for ammonia until either the construction of the STP upgrade or the new facility is complete.

The second Order requires that the United States Marine Corps, Marine Corps Base, Quantico ("Quantico") address chronic overflows from the Quantico Mainside wastewater treatment plant collection system by performing routine preventative maintenance on the system including, among other things, periodic cleaning of the collection system's sewer lines and grease traps at Quantico's food service facilities. The Order also requires that Quantico repair the plant's diversion pumps.

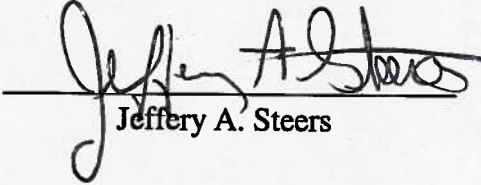
Decision

Based on the briefing material and the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the proposed Consent Special Orders regarding the Dominion Campground sewage treatment plant and the Quantico Mainside wastewater treatment plant;
2. Authorize the Director or his designee to sign the Orders on the Board's

behalf; and

3. Authorize the Director or his designee to refer violations of the Orders to the Office of the Attorney General for appropriate legal action.



Jeffery A. Steers



COMMONWEALTH of VIRGINIA

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Robert G. Burnley
Director

Gerard Seeley, Jr.
Piedmont Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON JUNE 19, 2003

MINUTE NO. 11 - Consent Special Orders with Penalty Settlements

Mr. James Golden, Piedmont Regional Office, introduced the staff recommendations concerning the proposed Consent Special Order Settlements for Red Hill Mobile Home Park.

Red Hill Mobile Home Park is authorized by VPDES permit No. VA0028258 to discharge into Harrison Creek a tributary of the Appomattox River. The Department issued a Consent Order to Red Hill on May 7, 2002. The Order required Red Hill to submit an updated operation and maintenance manual, written authorization for the DMR signature, and pay a civil charge of \$2,800.

The Department conducted an inspection of the Red Hill facility on May 23, 2002. Staff collected samples and found an ammonia concentration of 19.2 mg/L and a TKN concentration of 22.0 mg/L. In addition, staff observed there was no chlorine solution being fed at the chlorine tank.

On July 7, 2002, Red Hill failed to meet the Consent Order requirement to submit an O&M manual for the facility. Red Hill submitted DMRs for the months of April, May, June, July and August 2002, which indicate that the facility was discharging without a permit. On August 7, 2002, the Department issued a NOV to Red Hill for failure to comply with the Consent Order issued by the Board and failure to submit financial assurance documentation with the permit's reapplication. On August 26, 2002, Department staff met with Red Hill in an informal settlement conference to discuss the August 7, 2002, NOV and resolution of the violations.

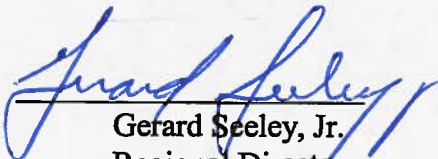
The Order requires Red Hill Mobile Home Park to provide an updated operation & maintenance manual for the treatment plant, reduce sludge inventory in the clarifiers and the sludge storage lagoon to less than 30% volume, submit a complete permit application to include all required financial assurance documentation and a corrective action plan with an implementation schedule for an upgrade to the treatment system. The Order also provides for the payment of a \$5,700 civil charge.

Board Decision

Based on the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the Consent Special Orders for:

Red Hill Mobile Home Park
2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violation of these Orders to the Attorney General's Office for appropriate legal action.



Gerard Seeley, Jr.
Regional Director



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Robert G. Burnley
Director

Gerard Seeley, Jr.
Piedmont Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON JUNE 19, 2003

MINUTE NO. 12 - Consent Special Orders with Penalty Settlements

Mr. James Golden, Piedmont Regional Office, introduced the staff recommendations concerning the proposed Consent Special Order Settlements for Sussex Service Authority ("SSA").

SSA owns and operates the Black Swamp wastewater treatment plant facility in Sussex County, Virginia. This facility is the subject of VPDES Permit No. VA0088978, which allows SSA to discharge treated wastewater into the Black Swamp. SSA also owns and operates the Courthouse wastewater treatment plant. This facility is the subject of VPDES Permit No. VA0080390, which allows SSA to discharge treated wastewater into an unnamed tributary of Thweatt Branch.

On February 19, 2002, SSA reported an unauthorized discharge of sludge from the Black Swamp facility. On May 21, 2002, the Department issued a NOV to SSA's Black Swamp and Courthouse facilities. The Black Swamp facility was cited for failure to meet total suspended solids limits in December 2001, failure to submit the March 2002 discharge monitoring report on time, and for the unauthorized discharge reported on February 19, 2002. The Courthouse facility was cited for effluent violations of TSS, TKN, CBOD, and chlorine.

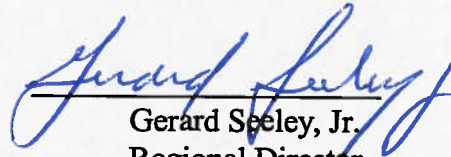
The Order requires Sussex Service Authority to make repairs to the Blackswamp facility, submit formal written standard operating procedures to assure compliance with the reporting requirements of the VPDES permit, submit a corrective action plan (CAP) for a solution to the operational issues at the Courthouse facility. The Order also provides for the payment of a \$7,600 civil charge.

Board Decision

Based on the staff presentation and recommendations, Dr. Wenger made a motion to not issue the Order to Sussex Service Authority because he felt that we should not be fining municipalities that obtain funding from taxes. The remaining Board members opposed the motion. A motion was made to adopt the staff recommendations. The Board voted, with Dr. Wenger opposed to:

1. Approve the Consent Special Orders for:

Sussex Service Authority
2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violation of these Orders to the Attorney General's Office for appropriate legal action.



Gerard Seeley, Jr.
Regional Director



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON JUNE 19, 2003

MINUTE NO. 13 – TRO VPDES Consent Special Order Chesapeake Public Schools

Maria Nold, Enforcement Manager in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendations concerning one Consent Special Order with civil charge.

Chesapeake Public Schools

Chesapeake Public Schools owns a wastewater treatment plant, which services four schools (referred to as the Hickory Schools WWTP). Between August 2000 and March 2002 Hickory Schools WWTP reported 19 effluent limit exceedances for the following parameters: total suspended solids, chlorine, carbonaceous biochemical oxygen demand, and total kjeldahl nitrogen. During a technical and laboratory inspection conducted on November 30, 2000, DEQ documented poor maintenance and housekeeping practices, and sampling errors. In addition, solids were observed in the chlorine tank, the dechlorination tank, and the receiving waters during inspections conducted on November 30, 2000, January 31, 2001, and February 2 and 5, 2001.

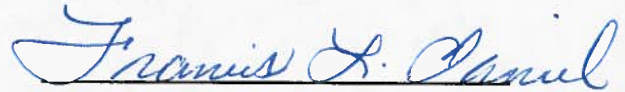
In April 2001, Hampton Roads Sanitation District assumed operational control of Hickory Schools WWTP. Subsequent DEQ inspections of Hickory Schools WWTP has shown that laboratory conditions and treatment have significantly improved. No comments were received during the public comment period. The Order requires Chesapeake Public Schools to pay a civil charge of \$5,670 and connect to a sanitary sewer within six months of sewer availability.

Board Decision

Based on the staff presentation and recommendations the Board voted, with Mr. Wenger opposed, to:

1. Approve the Consent Special Order for Chesapeake Public Schools;

2. Authorize the Director or his designee to sign the Order on its behalf; and
3. Authorize the Director or his designee to refer any violation of the Order to the Attorney General's Office for appropriate legal action.



Francis L. Daniel

Director, Tidewater Regional Office



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON JUNE 19, 2003

MINUTE No. 14 – TRO VPDES Consent Special Orders
Concrete Precast Systems, Inc.
Elizabeth River Terminals, L.L.C.
City of Hampton, Crowne Pointe Subdivision
Perdue Farms, Inc.

Maria Nold, Enforcement Manager in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendations concerning four Consent Special Orders with civil charges.

Concrete Precast Systems, Inc.

Concrete Precast Systems, Inc. (CPS) operates a precast concrete manufacturing facility in Chesapeake, VA. CPS violated an existing Consent Special Order by failing to submit a revised Storm Water Pollution Prevention Plan by the required due date. On January 23, 2002, DEQ inspected CPS and observed an outfall not authorized by the permit. DEQ requested that CPS submit a revised permit application to include this outfall and to provide information regarding current process operations. DEQ made ten requests for information between January 23 and July 1, 2002. DEQ never received a revised permit application. CPS failed to submit a permit reissuance application by the date required in the permit. During a November 4, 2002 inspection, DEQ observed wastewater overflowing the sedimentation pond berm and entering the Elizabeth River. The required 1-foot minimum of freeboard was not being maintained. In addition, CPS exceeded the permit effluent limits for pH and TSS during the December 2001 monitoring period.

No comments were received during the public comment period. The Order requires CPS to pay a civil charge of \$9,450, update the storm water pollution prevention plan and the operation and maintenance manual and implement best management practices.

Elizabeth River Terminals, L.L.C.

Kinder Morgan Elizabeth River Terminals (ERT), located in Chesapeake, VA, is a marine cargo handling facility that loads/unloads various products to/from vessels, trucks, and rail cars. The permit authorizes the discharge of storm water runoff from bulk material storage at outfall 001 into the Southern Branch of the Elizabeth River. On August 5, and August 15, 2002, DEQ inspected ERT and observed two unpermitted discharges of pelletized urea and ammonium sulfate caused by improper handling and housekeeping practices while unloading vessels.

No comments were received during the public comment period. The Order requires ERT to pay a civil charge of \$20,000.

City of Hampton, Crowne Pointe Subdivision

The Hampton Redevelopment and Housing Authority is developing a 27 acre single family home subdivision in the Merrimac Shores neighborhood of Hampton. Storm water discharges from this project discharge into the Merrimac Shores Marina, an inlet of the James River. On June 22, 1999 the City filed for coverage under the general storm water permit for construction activities for Phase 1 of the project (11.3 acres). In April, 2002 they began construction of Phase 2 but neglected to file for coverage. On May 14, 2002 DEQ inspected the site and notified the City that the construction activities were not covered by a general permit. DEQ did not receive a completed registration statement for Phase 2 until October 21, 2002. On October 18, 2002, the City requested that coverage for Phase 1 be terminated. Although the City has an approved erosion and sediment control plan for Phases 1 and 2, no stormwater pollution prevention plan (SWPPP) was developed for either project. The record keeping for the SWPPP was never conducted. On August 28, 2002, DEQ documented sediment laden stormwater from Phase II being pumped from a drop inlet into the receiving stream.

The Order requires Hampton to obtain coverage under the General Permit for Storm Water Discharges for Construction Activities prior to initiating any construction activities at regulated construction sites and to comply with all provisions of their permit. The Order also requires payment of a \$10,000 civil charge. \$1,000 of the civil charge is due within 30 days, the remaining \$9,000 is to be offset by the completion of a Supplemental Environmental Project (SEP). The proposed SEP to be performed by Hampton is the modification of the stormwater management facility located in the Crowne Pointe subdivision to provide stormwater quality improvement as well as the discharge quantity control for which it was originally designed.

A single comment was received during the public comment period. The author of the comment, Mr. Robert W. Nunn, president of the Merrimac Shores Yacht Basin, addressed the Board. Mr. Nunn expressed concerns about the filling in of the boat basin and that modification of the retention basin might lead to flooding in the neighborhood.

Perdue Farms, Inc.

On June 13 and 14, 2002 the Perdue wastewater treatment plant ("WWTP") ultraviolet disinfection system experienced a mechanical failure at the same time that the back-up chlorination system was out of service. Due to operator error, approximately 1.1 million gallons of treated but not disinfected effluent was discharged to Parker Creek instead of being routed to the holding pond. The Perdue WWTP experienced an upset that started in mid June and lasted until mid July, 2002. The upset was due to the facility's inability to maintain sufficient dissolved

oxygen in the complete mix activated sludge system during a period of high ambient air temperatures. The facility had four separate failures of aeration blowers and operated at reduced blower capacity for a total of 14 days. In August and September the facility exceeded its permit limits for ammonia, total suspended solids, and toxicity due to another plant upset brought on by an outbreak of filamentous bacteria. On September 28, another blower failure occurred and the facility exceeded its permit limits for ammonia in October.

The Order requires Perdue to perform a comprehensive upgrade of the treatment plant that includes improvements to the following systems: pretreatment, aeration, activated sludge, solids handling, and disinfection. The upgrade is to be completed by January 1, 2005 and is estimated to cost \$5.5 million. No comments were received during the public notice period. EPA has entered into a consent agreement with Perdue for the above violations that requires the payment of a \$80,000 civil penalty.

Board Decision

Based on the staff recommendation, the Board voted unanimously to:

1. Approve the Consent Special Orders for Concrete Precast Systems, Inc.; Elizabeth River Terminals, L.L.C.; City of Hampton – Crowne Pointe Subdivision; and Perdue Farms, Inc.;
2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violation of the Orders to the Attorney General's Office for appropriate legal action.



Francis L. Daniel

Director, Tidewater Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 19, 2003

MINUTE NO. 15 - VRO - Consent Special Orders

Edward Liggett, VRO enforcement staff, presented and introduced the staff recommendations concerning a proposed Consent Special Order with a civil charge for Harold L. and Laila B. Bare, d/b/a the Godalming Subdivision, and a Consent Special Order for Myles J. Goger, d/b/a James River Country Store.

Harold L. and Laila B. Bare are the developers of a single family home subdivision known as the Godalming Subdivision located near Ruckersville in Greene County. In September 2002, staff of DEQ and the Army Corps of Engineers inspected the subdivision and found that the owners had filled and modified unnamed tributaries to Rippin Run and had caused moderate impacts to adjacent wetland vegetation. The hydrology of the area did not appear to have been impacted, leaving site conditions that are conducive to the reestablishment of a native wetland plant community. Site development activities were also being conducted in the absence of a VPDES Construction Stormwater Permit. The proposed Order requires the owners to obtain VWP and VPDES Permits for the Godalming Subdivision. The proposed Order also includes provisions for mitigation of the stream channel impacts, reestablishment of native wetland vegetation and the establishment of permanent riparian buffers. The Order includes a civil charge of \$5,600.

The public notice period for the proposed Order closed on June 18, 2003, and no comment was received.

Myles J. Goger, d/b/a/ James River Country Store, owns and operates an underground storage tank facility located in Scottsville, Albemarle County. An inspection performed at the facility on July 13, 2001, revealed that Mr. Goger had failed to 1) perform release detection on the USTs and their associated product piping; 2) perform testing on the cathodic protection systems for the USTs to ensure proper operation; and 3) submit acceptable financial assurance documentation.

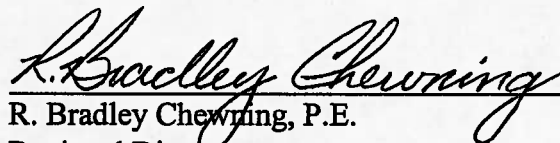
Mr. Goger has resolved all of these deficiencies and under the term of the Order has submitted three months of satisfactory release detection reports to DEQ. Civil Charges were not assessed based on DEQ's determination that Mr. Goger lacks the ability to perform both the corrective action and pay a civil charge.

The public notice period for the proposed Order closed on March 24, 2003, and no comment was received.

Board Decision

Based on the staff's presentation of the Consent Special Orders and recommendation, the Board unanimously voted to:

1. approve the Consent Special Order with a civil charge for the Godalming Subdivision;
2. approve the Consent Special Order for James River Country Store;
3. authorize the Director or his designee to sign the Orders on its behalf; and
4. authorize the Director or his designee to refer any violations of these Orders to the Attorney General's Office for appropriate legal action.

A handwritten signature in cursive script, reading "R. Bradley Chewing", is written over a horizontal line.

R. Bradley Chewing, P.E.
Regional Director
Valley Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 19, 2003

MINUTE NO. 16 – Casta Line Trout Farms – Craigsville and Middlebrook

Kemper Loyd (Environmental Engineer Senior, DEQ-VRO) made the staff presentation regarding the proposed issuance of VPDES Permit Nos. VA0091227 (Craigsville) and VA0091219 (Middlebrook). A public hearing was held on March 12, 2003, regarding the proposed permit issuances, necessitating the presentation of these proposed permit actions to the full Board.

Mr. Loyd referenced the Board book materials for detailed discussions of the five negative comments that were received. The single change that was proposed to the draft permits, revision of the special condition requiring Professional Engineer certification of newly-constructed treatment facilities, was further explained to the Board.

Following Mr. Loyd's presentation, the permittee, Mr. Bryan Plemmons, reiterated his points of opposition to the draft permits. A consultant for the permittee, Dr. Scott Newton, also provided information in opposition to the draft permits. No new issues were raised.

Following the permittee's comments, DEQ staff, the permittee, and Dr. Newton answered questions from the Board.

Upon request from the Board, Mr. Loyd provided the staff recommendation that the Board authorize the issuance of VPDES Permit Nos. VA0091227 for Casta Line Trout Farm-Craigsville and VA0091219 for Casta Line Trout Farm-Middlebrook, as revised.

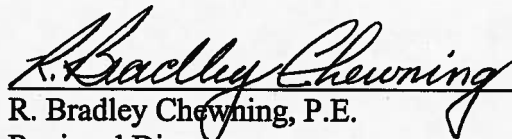
Minute No. 16

Casta Line Trout Farm-Craigsville and Casta Line Trout Farm-Middlebrook

Page 2

Board Decision

By a vote of three to three (Pfeiffer, Baise, and Wenger dissenting), the motion to accept the staff recommendation was defeated. The Board directed the staff to attempt resolution of the points of contention and to return the permits to the next Board meeting.

A handwritten signature in cursive script, reading "R. Bradley Chewning", is written over a horizontal line.

R. Bradley Chewning, P.E.

Regional Director

Valley Regional Office

**EXCERPT FROM THE PROCEEDINGS OF THE BOARD AT ITS MEETING
ON June 19,2003**

MINUTE NO. 17 – Modification of Rudee Inlet Federal Navigation Permit No. 92-1350

Mr. Bert Parolari, of the DEQ Tidewater Regional Office made the staff presentation regarding the proposed modification of VWP Permit #92-1350 issued to the U.S. Army Corps of Engineers (USACOE), Norfolk District. The Modification adds Lake Rudee as the preferred placement site for disposal of material from the inner channel, authorizes use of the existing Lake Wesley site only if specifically requested by a local government sponsor, and increases the volume of material dredged per cycle from 120,000 to 150,000 cubic yards of material for a total of 1.5 million cubic yards over the term of the permit. Following this presentation, the Board received no additional comments from citizens that had participated in the public hearing process. Mr. Parolari's presentation was followed by questions from several Board Members. Staff and Mr. Greg Williams, representative from the USACOE, responded to questions.

Staff Recommendation

Staff recommended that the Board authorize modification of VWP Permit Number 92-1350 as presented in the Board Package, with the following recommended change limiting depth of material placement:

Revised Condition, Part I.F.8

"All dredging of the inner channel shall be performed by hydraulic cutterhead dredge method with transportation of material to the preferred overboard Lake Rudee or Lake Wesley Dredged Material Placement site via pipeline such that resultant depths are made no more shallow than -15 feet at MLLW."

Board Decision

Mr. Baise motioned that the Board accept staff recommendations. This motion was passed unanimously.

A handwritten signature in blue ink, appearing to read "Francis L. Daniel", is written over a horizontal line.

Francis L. Daniel
Tidewater Regional Director



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 19, 2003

MINUTE NO. 18 – Tier III WQS, Waters – Shenandoah National Park

Jean Gregory of the Office of Water Quality Programs updated the Board on the regulatory status of the ten candidate Tier III, exceptional state waters previously approved for rulemaking and then presented to the Board for their consideration a new staff initiated list of eleven potential candidate waters located on federal land within Shenandoah National Park.

Ms. Gregory advised the Board that the Department's staff had, as directed by the Board at their July 9, 2002 meeting, worked with the National Park Service to identify appropriate candidate waters and that the initial staff evaluation had indicated the following eleven waters within the Shenandoah National Park met the Exceptional State Waters eligibility criteria:

Big Run in Rockingham County from its headwaters downstream to the first crossing with Shenandoah National Park boundary and all tributaries to this segment of Big Run within the confines of Shenandoah National Park.

Brokenback Run in Madison County from its headwaters downstream to the Shenandoah National Park boundary and all tributaries to this segment of Brokenback Run within the confines of Shenandoah National Park.

Doyles River in Albemarle County from its headwaters to Shenandoah National Park boundary and Jones Falls Run from its headwaters to its confluence with Doyles River and all tributaries to these segments of Doyles River and Jones Fall Run within the confines of Shenandoah National Park.

Jeremys Run in Page County from its headwaters downstream to first crossing with Shenandoah National Park boundary and all tributaries to this segment of Jeremys Run within the confines of Shenandoah National Park.

East Hawksbill Creek in Page County from its headwaters downstream to Shenandoah National Park boundary and all tributaries to this segment of East Hawksbill Creek within the confines of Shenandoah National Park.

Hughes River in Madison County from its headwaters downstream to the Shenandoah National Park boundary.

East Branch Naked Creek in Page County from its headwaters downstream to Shenandoah National Park boundary and all tributaries to this segment of the East Branch Naked Creek within the confines of Shenandoah National Park.

Piney River in Rappahannock County from its headwaters downstream to its first crossing with Shenandoah National Park boundary and all tributaries to this segment of the Piney River within the confines of Shenandoah National Park.

Rose River in Madison County from its headwaters downstream to the first crossing with Shenandoah National Park boundary and all tributaries to this segment of the Rose River within the confines of Shenandoah National Park.

North Fork Thornton River in Rappahannock County from its headwaters downstream to its first crossing with Shenandoah National Park boundary and all tributaries to this segment of the North Fork Thornton River within the confines of Shenandoah National Park.

White Oak Canyon Run in Madison County from its headwaters downstream to the first crossing with Shenandoah National Park boundary and all tributaries to this segment of White Oak Canyon Run within the confines of Shenandoah National Park.

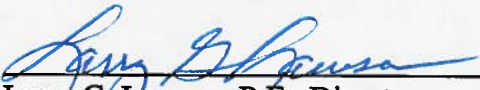
Ms Gregory also advised the board that the next step was to carry out the code required written notification and opportunity for comment to potentially impacted localities and riparian landowners. Board member Slaughter suggested that staff should, in addition to the code required written notifications, call the chief administrative officer in each locality and offer to discuss the proposed candidate streams within their jurisdiction.

Decision:

By unanimous vote the Board directed staff:

1. To proceed with notification to the localities and riparian landowners who would be potentially impacted by an exceptional waters designation for those waters listed in the memorandum from Larry Lawson dated May 5, 2003 and to provide these potentially impacted parties a 60 day opportunity for comment,

2. To telephone the administrator or chairman of the board of supervisors for each potentially impacted locality to offer to discuss the proposed candidate streams in their locality, and
3. To appear before the Board at their next meeting to provide a summary of comments from potentially impacted localities and riparian landowners so that the Board can at that time decide what course of action to take on the proposed exceptional water candidates.


Larry G. Lawson, P.E., Director
Division of Water



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

**Excerpt from the Proceeding of the State Water Control Board
At its Meeting on June 19, 2003**

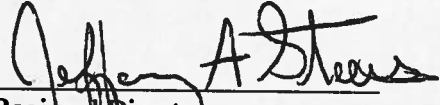
Minute No. 19 - Dulles Area Watershed Policy

This agenda item involved the update and rewriting of SWCB regulation 9 VAC 25-400, Policy for Waste Treatment and Water Quality Management for the Dulles Area Watershed. Staff from the Northern Virginia Regional Office presented the results of the NOIRA process and a draft rewrite of the regulation. After presenting details of the draft rewrite of the regulation and answering questions from the Board, staff made the following recommendations:

1. The Board authorize staff to notice for public comment the intent to repeal 9 VAC 25-400 Policy for Waste Treatment and Water Quality Management for the Dulles Area Watershed, and
2. The Board authorize staff to notice for public comment the intent to adopt 9 VAC 25-401 Sewage Treatment in the Dulles Area Watershed.

Board Decision

The State Water Control Board voted unanimously to accept staff recommendations.


Regional Director
Northern Virginia Regional Office



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 19, 2003

MINUTE NO. 20 - Proposed Amendments to the Virginia Underground Storage Tank Financial Responsibility Requirements Regulation, 9 VAC 25-590

The Board had been provided a draft of the proposed amendments to the Underground Storage Tank Financial Responsibility regulation prior to the board meeting. Renee Hooper summarized the proposed amendments for the board members. Board member Katherine Slaughter suggested that staff review and revise the proposed changes to Section 25-590-10 to ensure that, in the final regulation, any defined term is not used as part of the definition of that particular defined term.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to authorize Department staff to take the proposed amended regulation (9 VAC 25-590-10 *et seq.*), as presented by the staff, to public comment.


Larry G. Lawson, P.E.
Director, Water Program Coordination



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EXCERPT FROM THE PROCEEDINGS OF THE BOARD AT ITS MEETING ON JUNE 19, 2003

MINUTE NO. 21 – 9 VAC 25-193-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Ready-Mixed Concrete Plants

Lily Choi briefed the Board on the additional changes made to the amended regulation that was presented in their meeting package. She recommended that the Board adopt the amended regulation with revised language presented to the Board at the meeting, and that the Board will receive, consider or respond to petitions by any interested person at any time with respect to reconsideration or revision of this regulation.

Board Decision

The Board voted unanimously to adopt the amended General VPDES Permit Regulation for Ready-Mixed Concrete Plants.

A handwritten signature in blue ink, reading "Larry G. Lawson", written over a horizontal line.

Larry G. Lawson, P.E.

Director

Division of Water Program Coordination



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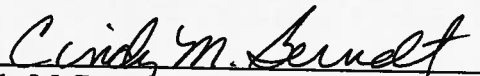
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 19, 2003

Minute No. 22 – Public Forum

Ms. Angela Boyda appeared during the public forum to advise the Board of her continuing concerns that environmental regulations have been violated on land adjacent to her property in southwest Virginia. Members of the Board again advised Ms. Boyda that they believed this was a local issue and that there may be some common law remedy available to her. Mr. Burnley, however, offered to further look in to the matter to ensure that there were no violations of the Board's regulations.


Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 19, 2003


Minute 23 – Land Conservation Loan Program

Mr. Walter Gills, Project Supervisor of the Board's Construction Assistance Program, made a presentation to the Board based on a memorandum dated May 30, 2003. The memorandum summarized the background for the new Land Conservation Loan initiative and included a set of draft guidelines for the program along with a staff recommendation for the Board's consideration.

Mr. Gills told the Board about the General Assembly's recent action amending the Code of Virginia to expand the funding activities of the Virginia Wastewater Revolving Loan Fund to make loans available to local governments or "holders", as defined in Section 10.1 of the Code, for the acquisition and conservation of land for the improvement and protection of water quality. He explained how the staff had developed draft guidelines for the program and that, in order to expedite program implementation, the staff was proposing that the Land Conservation Loan Program be incorporated into the current VWRLF funding cycle. Mr. Gills informed the Board that their tentative adoption of the draft guidelines was necessary in order for them to be released for public comment.

Based on the staff presentation, the briefing material, and the staff's recommendations, the Board voted unanimously to:

Concur with the proposed approach of soliciting applications for the Land Conservation Loan Program concurrent with the public review and comment period and direct the staff to receive public comment on the proposed implementation guidelines.


Larry G. Lawson, Director
Division of Water
Program Coordination



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Excerpt From the Proceedings of the State Water Control Board Meeting on June 19, 2003

Minute Number 24: Resolution Supporting the International Maritime Organization (IMO) Convention Banning Tributyltin (TBT) Vessel Hull Coating Systems

At the March, 2003, State Water Control Board Meeting, the Board passed a measure directing the staff to prepare a resolution in support of participation by the United States in the IMO convention banning the use of tributyltin (TBT) as an antifoulant in vessel hull coatings. The draft resolution was presented for review and approval by the Board..

Staff Recommendation:

The staff recommendation was for the Board to approve the resolution and submit it initially to representatives from the bodies preparing to administer the ban, the U. S. Environmental Protection Agency, The U. S. Department of State, and the U. S. Coast Guard; then, to later submit the resolution to appropriate members of the Foreign Relations Committee of Congress who must ratify the treaty activating participation by the United States in the Convention.

Board Action:

The Board approved the resolution without dissent subject to some minor editing. It was requested by the Board that the resolution be submitted not only to representatives of the Environmental Protection Agency, the State Department, and the Coast Guard but also to members of congress from the Virginia delegation

A handwritten signature in blue ink that reads "Frank Daniel".

Frank Daniel



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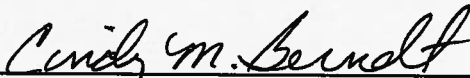
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 19, 2003

MINUTE NO. 25 - Future Meetings

The Board set September 25, 2003 as the date of their next regular meeting.


Cindy M. Berndt